IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26721 of 2007(F)

OS.1764/2006 of ADDL.M.C.,IRINJALAKUDA

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PETITIONER:

RAPHY @ RAPHEL, AGED 22 YEARS,
S/O.PUTHUSSERYPPADY PORINCHU,
KALLUR VILLAGE, MUKUNDAPURAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. LORENCE, S/O.DEVASSY, KANNAYAKKAL SHARAN
KALLUR P.O., THRISSUR DISTRICT.

2. USHA DAVIS, W/O.KUNDUKULAM DAVIS,
MANALUR VILLAGE, MANALUR P.O.,
THRISSUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.26721 of 2007

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Dated this the 7th day of September, 2007.

JUDGMENT

This Writ Petition is preferred against Ext.P5 order whereby the court below dismissed a joint trial application in O.S.No.2262 of 2005 and O.S.No.1764 of 2006 pending before the Addl. Munsiff's Court Irinjalakuda. The similarity in both the cases are that defendant is the same. But the plaintiffs are different, documents are different and the cause of action is also different. So, I do not find any mistake committed by the court below in refusing to order a joint trial. Learned counsel for the petitioner would submit that both the documents relied on by the parties are fraudulent creation by one and the same person and therefore there is a lot of similarity in both the cases.

2. Therefore in order to safeguard the interest of the present writ petitioner, I direct the court below to list both the matters in the very same month and dispose it of separately.

Writ Petition is disposed of as above.

M.N.Krishnan,
Judge.

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